

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Revision of the Commission's	)	
Rules to Ensure Compatibility	)	CC Docket No. 94-102
with Enhanced 911 Emergency	)	
Calling Systems	)	
	)	

**COMMENTS OF THE  
CELLULAR TELECOMMUNICATIONS & INTERNET ASSOCIATION**

The Cellular Telecommunications & Internet Association ("CTIA"),<sup>1/</sup> pursuant to the Public Notice released July 11,<sup>2/</sup> hereby submits its comments in support of the wireless E911 Phase II waiver request filed by Cingular Wireless LLC and its subsidiaries ("Cingular").<sup>3/</sup> Cingular has requested a waiver of the Commission's Phase II E911 rules to permit it to deploy a hybrid solution throughout its planned Global System for Mobile Communications ("GSM") network, which includes a handset-based Enhanced Observed Time Difference of Arrival ("E-OTD") solution.<sup>4/</sup>

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<sup>1/</sup> CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service ("CMRS") providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

<sup>2/</sup> Public Notice, "WTB Seeks Comment on Wireless E911 Phase II Waiver Request Filed by Cingular Wireless, LLC," CC Docket No. 94-102, (rel. July 11, 2001).

<sup>3/</sup> Cingular Wireless LLC Petition for Waiver of Section 20.18(e)-(h) of the Commission's Rules, filed July 6, 2001 ("Cingular Waiver Request").

<sup>4/</sup> Pending the outcome of tests being performed on its TDMA networks, Cingular withdrew its request for a waiver of the Commission's Phase II rules with respect to Cingular's TDMA networks. See Cingular Wireless LLC—Withdrawal of TDMA Portion of its Petition for Limited Waiver of Sections 20.18(e)-(h) of the Commission's Rules, CC Docket No. 94-102, filed July 24, 2001.

Cingular's request satisfies the Commission's criteria for waivers of the Phase II E-911 rules. Consistent with the Commission's stated position that its E911 rules should not "hamper the development and deployment of the best and most efficient ALI technologies and systems,"<sup>5/</sup> the Commission should grant Cingular's waiver request.

## **DISCUSSION**

The wireless industry is committed to providing the best possible Phase II E911 service to subscribers, but carriers can only do as much as the currently available wireless location technology permits them to do. The Commission itself has recognized that during the transition to full Phase II deployment, there may be situations in which it is not possible for a carrier to satisfy the Commission's Phase II standards by the prescribed deadlines. It therefore established a process under which individual waivers could be granted. In addition to satisfying the Commission's traditional standards for a waiver by showing that "special circumstances warrant a deviation from the general rules, and such a deviation will serve the public interest,"<sup>6/</sup> carriers must demonstrate that "technology-related issues" or "exceptional circumstances" make it impossible for them to deploy Phase II by October 1, 2001.<sup>7/</sup> Moreover, the relief sought by the carrier must be "specific, focused and limited in scope, ...with a clear path to full compliance" with the Commission's Phase II rules.<sup>8/</sup>

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<sup>5/</sup> Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Memorandum Opinion and Order, 12 FCC Rcd 22665, 22725 ¶ 124 (Dec. 23, 1997).

<sup>6/</sup> Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Fourth Memorandum Opinion and Order, 15 FCC Rcd 17442, 17457 ¶ 43 (rel. Sept. 8, 2000) ("Fourth MO&O") (citing Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990) and WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969)).

<sup>7/</sup> Fourth MO&O at ¶ 43.

<sup>8/</sup> Id. at ¶ 44.

Applying these standards, the Commission granted VoiceStream a waiver so that it could use E-OTD technology in combination with an interim network software solution “safety net.”<sup>9/</sup> The Commission found that VoiceStream’s proposal could offer “significant public safety benefits” by rapidly providing increased accuracy and reliability during the transition period from Phase I to Phase II, and even more precise levels of accuracy after that.<sup>10/</sup> The Commission also found that VoiceStream faced “special circumstances” because of the limited technologies available for carriers using the GSM air interface.<sup>11/</sup>

Like VoiceStream, Cingular’s request clearly satisfies the standards established by the Commission for waivers of the Phase II E-911 rules. As Cingular explains, there is no other readily available E-911 solution for GSM technology that currently provides fully compliant location information.<sup>12/</sup> Although Cingular’s proposed solution will not initially meet the Commission’s handset accuracy standards,<sup>13/</sup> Cingular expects the technology to meet the accuracy requirements by October 1, 2003. The relief Cingular requests in order to implement its chosen technology is “specific and limited,” with a “clear path to full compliance” after a reasonable transition period. Because Cingular has satisfied the requirements for a waiver of the Phase II E911 implementation rules, the Commission should grant Cingular the relief it seeks.

Cingular conducted extensive investigations into multiple Phase II E-911 technologies in order to determine how to bring the best possible Phase II service to its customers under these

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<sup>9/</sup> Id. at ¶¶ 59-60.

<sup>10/</sup> Id. at ¶¶ 57-59.

<sup>11/</sup> Id. at ¶ 56.

<sup>12/</sup> Cingular Waiver Request at 16-17.

<sup>13/</sup> In its waiver request, Cingular explains that initially the handset-based technology will be capable of supplying accuracy of 100 meters/67 percent of the time and 300 meters/95 percent of (continued on next page)

circumstances. Based on the results of these tests and other information available, Cingular determined that “traditional network-based solutions were not a feasible solution for providing Phase II location information” for its GSM networks.<sup>14/</sup> Cingular reiterates in its request that E-OTD is the “only viable option for its GSM networks in the absence of a handset-based solution.”<sup>15/</sup>

Granting Cingular a waiver of the Phase II rules is also consistent with the Commission’s policy of technological neutrality for E-911. As the Commission has explained, “there is no single perfect ALI solution. Each has its advantages and limitations. Each may be improved in the future. Under these circumstances, we believe that the public interest and public safety will best be served by allowing a broad range of technologies, including handset-based opportunities, a reasonable opportunity to compete in providing 911 ALI.”<sup>16/</sup> Granting limited waivers of the Phase II rules to individual wireless carriers is simply a further extension of this policy, which recognizes that every wireless carrier will face unique circumstances as it transitions from Phase I to Phase II and no single Phase II solution will work in each of these situations.

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the time. See id. at 18.

<sup>14/</sup> Id. at 15.

<sup>15/</sup> Id. at 17.

<sup>16/</sup> Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket 94-102, Third Report and Order, 14 FCC Rcd 17388, 17404-05 ¶ 33 (Oct. 6, 1999).

## **CONCLUSION**

For the reasons set forth above, the Commission should grant Cingular's Phase II E911 waiver request.

Respectfully Submitted,

/s/

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